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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		1033-T000537	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>June 23, 2006</u></p> <p>Signature <u>Emma L. Meyer</u></p> <p>Typed or printed name <u>Emma L. Meyer</u></p>		Application Number	Filed
		10/672,292	September 26, 2003
		First Named Inventor	
		Hisao M. Chang	
		Art Unit	Examiner
		2645	ESCALANTE, Ovidio
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,342</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hisao M. Chang

Title: VOICEXML AND RULE ENGINE BASED SWITCHBOARD FOR
INTERACTIVE VOICE RESPONSE (IVR) SERVICES

App. No.: 10/672,292 Filed: September 26, 2003

Examiner: ESCALANTE, Ovidio Group Art Unit: 2645

Customer No.: 60533 Confirmation No.: 8322

Atty. Dkt. No.: 1033-T000537

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**REMARKS IN SUPPORT OF
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Non-Final Office Action mailed February 23, 2006 (hereinafter, "the Current Action") and further pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, Applicant respectfully requests review and reconsideration of the Current Action in view of the following issues.

Repetition of Rejections Previously Withdrawn by Office

Applicant filed a Pre-Appeal Brief Request for Review on October 21, 2005 (the "Previous Request For Review"), in response to a Final Office Action mailed July 28, 2005 (the "Previous Action"). In the Previous Action, the Office rejected claims 1-8, 10-12, 15-22, 26, 28, 34 and 35, under 35 U.S.C. 103(a) over Dhir (US Patent No. 6,553,113) in view of Ball (US Patent No. 6,600,736). The Office withdrew this rejection in response to the Previous Request For Review on December 14, 2005.

Nonetheless, in the Current Action the Office has now rejected the same claims under 35 U.S.C. 102(e), as being anticipated solely by Dhir. The Office stated in the Previous Action that

Dhir did *not* provide every element of Applicant's Claim 1, except when combined with Ball, and this rejection was later withdrawn. Since the rejection of claims 1-8, 10-12, 15-22, 26, 28, 34 and 35, under 35 U.S.C. 103(a) over Dhir in view of Ball was withdrawn, the rejection of these claims under 35 U.S.C. 102(e) based only on Dhir is improper. Hence, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. 102(e) be withdrawn. Further, the Office has repeated the rejection of Claim 28 under 35 U.S.C. 103(a) over Dhir in view of Ball in the Current Action. Applicant respectfully requests that the rejection of Claim 28 be withdrawn again.

Moreover, in the Previous Action, the Office rejected claims 29 and 30 under 35 U.S.C. 102(e) over Ball, in view of Margolis (US Patent Pub 2003/0235287). The Office withdrew this rejection in response to the Previous Request For Review. Nonetheless, in the Current Action, the Office has now repeated the rejection of claims 29 and 30 under 35 U.S.C. 103(a) over Ball, in view of Margolis. Applicant requests that the rejection be withdrawn, given that the Office previously withdrew the rejection of these same claims under 35 U.S.C. 102(e) over Ball in view of Margolis.

Additionally, in the Previous Action, the Office rejected claims 9, 23-25, 27, 36 and 37 under 35 U.S.C. 103(a) over Dhir in view of Ball and further in view of Margolis. The Office withdrew this rejection in response to the Previous Request for Review. Nonetheless, in the Current Action, the Office has now rejected the same claims under 35 U.S.C. 103(a) over Dhir in view of Margolis. The Office stated in the Previous Action that Dhir and Margolis did *not* provide every element of these claims, except when combined with Ball, and this rejection was withdrawn. Hence, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. 103(a) over Dhir in view of Margolis be withdrawn.

Also, in the Previous Action, the Office rejected claims 13 and 14 under 35 U.S.C. 103(a) over Dhir in view of Bushey (US Patent Pub. 2003/0026409). This rejection was withdrawn in response to the Previous Request for Review. The Office has repeated this previously withdrawn rejection in the Current Action. Applicant respectfully requests that the rejection be withdrawn again.

Claim 29 is Allowable

The Office has rejected Claim 29, in paragraphs 3-5 of the Non-Final Action, under 35 U.S.C. 112 as being indefinite. The Office asserts that insufficient antecedent basis exists for the phrase “the subject matter.” This phrase has been present in the claims since filing, without previous rejection by the Office. Such rejection is improper, because the phrase relates to an inherent component of a call received at an automated call handling system. Every such call includes a subject matter. Hence, the subject matter has antecedent basis in the recitation of the call, itself. *See* MPEP 2173.05(e).

Claim 1 is Allowable

The Office has rejected Claim 1 under 35 U.S.C. 102(e) as anticipated by Bondarenko (US Patent Pub. 2004/0083479). None of the recited references, including Bondarenko, disclose or suggest the elements of Claim 1. In contrast to Claim 1, Bondarenko discloses a processor connected to a switch within a call center that is connected to another switch within a Public Switched Telephone Network. (*See* Bondarenko, Fig. 10, para. 0117). Bondarenko does not disclose a voice converted data module having an input to receive an incoming call, or a voice converted data module responsive to an interactive voice response unit or an Internet based communication device, as recited in Claim 1. Thus, Claim 1 is allowable.

Claims 1-8, 10-12, 15-22, 26, 28, 34, and 35 are Allowable

The Office has rejected claims 1-8, 10-12, 15-22, 26, 28, 34 and 35 under 35 U.S.C. § 102(e) as anticipated by Dhir. The Office stated in the Previous Action that Dhir did *not* provide every element of Applicant’s Claim 1, except when combined with Ball, and this rejection was withdrawn in response to the Previous Request for Review. Additionally, none of the recited references, including Dhir, disclose or suggest the elements of Claim 1. In contrast to Claim 1, Dhir discloses a call routing system that receives routing requests from an inter-exchange carrier and returns a return route address to the inter-exchange carrier. (Dhir, col. 4, lines 55-56). As admitted by the Office at page 3 of the Previous Action, Dhir does not disclose or suggest “a voice converted data module having an input to receive an incoming call, the voice converted data module responsive to an interactive voice response unit or an internet based communication device,” as recited in Claim 1. Thus, Claim 1 is allowable.

Claims 2-8, 10-12, 15-22, 26, 28, 34 and 35 depend from Claim 1. Dhir fails to disclose each and every element of the dependent claims 2-8, 10-12, 15-22, 26, 28, 34 and 35, at least by virtue of their dependency from Claim 1. Hence, the dependent claims are allowable.

Claim 28 is Allowable

The Office has rejected Claim 28 under 35 U.S.C. 103(a) over Dhir in view of Ball. As explained above, the Office previously withdrew this rejection in response to the Previous Request for Review. Moreover, Dhir teaches that routing a call from one call site to another is a “significant disadvantage.” (Dhir, col. 2, ll. 18-27). In contrast, Ball teaches a system for routing a call from one site to another. (Ball, col. 4, line 64 – col. 5, line 11). The combination of Ball with Dhir would result in the Dhir system being unsatisfactory for its intended purpose and may not be used as the basis for an obviousness rejection. MPEP 2143. Hence, Applicant requests that the rejection be withdrawn again.

Claims 29 and 30 are Allowable

Claims 29 and 30 were rejected under 35 U.S.C. § 103(a) over Ball in view of Margolis (US Patent Pub 2003/0235287). As explained above, the Office withdrew the rejection of claims 29 and 30 under 35 U.S.C. 102(e) over Ball in view of Margolis, in response to the Previous Request for Review. In addition, Margolis teaches sending an email with caller-specific advertisements, options regarding how to handle a callback, and information related to the callback. (Margolis, para. 0031). Margolis does not disclose or suggest an email that includes a targeted communication message relating to the subject matter of a call or information responsive to a caller’s request. Hence, the combination of Ball and Margolis fails to disclose or suggest each and every element of claims 29 and 30. Accordingly, Applicant requests that the rejection be withdrawn.

Claims 9, 23-25, 27, 36 and 37 are Allowable

The Office has rejected claims 9, 23-25, 27, 36 and 37 under 35 U.S.C. § 103(a) over Dhir in view of Margolis. As explained above, the Office withdrew the rejection of these claims under 35 U.S.C. § 103(a) over Dhir in view of Ball and further in view of Margolis. Further, the Office admitted in the Previous Action that Dhir and Margolis do not teach every element of the claims, except in combination with Ball. In addition, Dhir teaches that its system is a favorable alternative to virtual call centers. Margolis provides a system located in virtual call centers.

(Margolis, p.1, [0011]). Hence, there is no motivation to combine the Dhir and Margolis references, because those references teach away from their combination. Thus, Applicant requests that the rejection be withdrawn.

Claims 13 and 14 are Allowable

The Office has rejected claims 13 and 14 under 35 U.S.C 103(a) over Dhir in view of Bushey. As explained above, this rejection was made in the Previous Action and withdrawn in response to the Previous Request for Review. Further, as discussed above, Dhir fails to teach a voice converted data module that is “responsive to an interactive voice response unit or an internet based communication device,” as recited in Claim 1. Bushey does not disclose this claim element. Accordingly the combination of Bushey and Dhir fails to disclose each and every element of claims 13 and 14, at least by virtue of their dependence from Claim 1. Thus, Applicant requests that the rejection of claims 13 and 14 be withdrawn.

Claims 31 and 33 are Allowable

The Office has rejected claims 31 and 33 under 35 U.S.C 103(a) over Dhir in view of Knott (US Patent Pub. 2003/0026409). As discussed above, Dhir fails to teach a voice converted data module that is “responsive to an interactive voice response unit or an internet based communication device,” as recited in Claim 1. Knott does not disclose this claim element. Accordingly the combination of Knott and Dhir fails to disclose each and every element of claims 31 and 33, at least by virtue of their dependence from Claim 1. Thus, Applicant requests that the rejection of claims 31 and 33 be withdrawn.

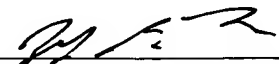
CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are allowable. Applicant therefore requests withdrawal of all pending rejections.

Respectfully submitted,

6-22-2006

Date



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